

Memorandum by Clement Attlee on Indian independence (London, 22 May 1947)

Caption: In a memorandum dated 22 May 1947, the British Prime Minister Clement Attlee describes the task conferred on Lord Mountbatten, Viceroy of India, to prepare for the independence of India. Although the British government prefers the solution of a united state, Lord Mountbatten believes that there is no prospect of this plan being accepted by the various political leaders. The partition of India seems inevitable.

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22ND MAY, 1947

CABINET

INDIAN POLICY

Memorandum by the Prime Minister

The India and Burma Committee has had a series of discussions, first with Lord Ismay (Chief Adviser to the Viceroy) and later with the Viceroy himself.

2. Lord Mountbatten's instructions were to do his utmost to secure general acceptance of the Cabinet Mission's plan. If this proved impossible he was to report by the 1st October on the steps which he considered should be taken for the handing over of power in June, 1948.

3. Since his arrival in India Lord Mountbatten has had a prolonged series of conversations with the leaders of Congress and of the Muslim League and has also conferred with representatives of the Sikhs. His conversations have convinced him that there is no prospect of acceptance of the Cabinet Mission's plan or of a Union of India on any other basis. He is also convinced that a very early announcement of His Majesty's Government's intentions as to the manner in which power will be transferred in 1948 is essential if widespread and uncontrollable communal disturbances, especially in the North-West Frontier Province and the Punjab, are to be avoided. The India and Burma Committee are fully satisfied that this diagnosis is correct and that further initiative on our part is essential.

4. The Viceroy has convened for 2nd June a small Conference consisting of leaders of the Congress, the Muslim League and the Sikhs at which he will make a final effort to get a compromise on the basis of the Cabinet Mission's plan. If, as he expects, he fails to do so, he proposes to lay before the Conference the text of a Statement by His Majesty's Government. He will inform the Conference that he is prepared to consider any modifications of it which the Conference may agree to propose to him within a short but stated period. The proposed text of this announcement, as approved by the India and Burma Committee in consultation with the Viceroy, is contained in the annex to this memorandum.

5. The Statement announces:-

- (i) that the attempt to secure a Union of the whole of India on the basis of the Cabinet Mission's proposals must now be abandoned;
- (ii) that arrangements must therefore be made whereby power can be transferred to more than one authority;

- (iii) a procedure whereby the different parts of India can choose through elected representatives whether their future constitutions shall be framed by the existing Constituent Assembly or in a new Constituent Assembly composed of representatives of those areas that hold aloof from the main body;
- (iv) provisions for setting up such new Constituent Assembly for the areas that opt for separation action.

6. The main purpose of the procedure proposed is to thrust upon Indians the responsibility of deciding whether or not India shall be divided and in what way. The elaborate nature of the procedure is unfortunately made unavoidable by the complex conditions existing in India, if a reasonably equitable expression of Indian opinion in the areas in question is to be obtained. The probable result will be that in the North-West Sind, Western Punjab, and possibly also the North-West Frontier Province will stand out from the existing Constituent Assembly. In the North-East there is some possibility of Bengal remaining united, but if this does not happen Eastern Bengal, and the one predominantly Muslim district of Assam are likely also to stand out.

7. The Viceroy in his conversations with the party leaders has revealed to them the main outlines of his proposals and is satisfied that they will be accepted by Congress. Mr. Jinnah acquiesced in them in private conversation although in a subsequent public statement he has protested against any proposal to partition Bengal and the Punjab. The Viceroy thinks, however, that the Muslim League is likely to co-operate in working the procedure proposed.

8. The India and Burma Committee are satisfied that these proposals are the best available in the circumstances and recommend that the Viceroy be authorised to proceed accordingly.

C.R.A.

10, Downing Street,
S.W.1.

22nd May, 1947.

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ANNEX IDRAFT ANNOUNCEMENTI. INTRODUCTION

1. On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June, 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working-out of the Cabinet Mission's Plan of May 16th, 1946, and evolve for India a constitution acceptable to all concerned. This hope has not been fulfilled.
2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind, as also the representative of British Baluchistan, has decided not to participate in the Constituent Assembly.
3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved on His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution

for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for an united India.

II. THE ISSUES TO BE DECIDED

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces a majority of whose representatives are already participating in it will now take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed:-

- (a) in the existing Constituent Assembly; or
- (b) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

III. BENGAL AND THE PUNJAB

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will therefore each be asked to meet in two parts, one representing the Muslim majority districts and the other the rest of the Province.

For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two Provinces are set out in the Appendix to this Announcement.

6. The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before such a vote takes place, however, it is desirable that the representatives of each Province should clearly know which Constituent Assembly the Province as a whole would join, if they decided to remain united. Therefore, if there is a demand for it by any member of the Legislative Assembly, a preliminary joint meeting of all members of each Legislative Assembly (other than Europeans) will be held at which a decision on this issue will be taken.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the Appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a definitive partition of these Provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of

which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used.

IV. SIND

10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in paragraph 4 above.

V. NORTH-WEST FRONTIER PROVINCE

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

VI. BRITISH BALUCHISTAN

12. British Baluchistan has elected a member but he had not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

VII. ASSAM

13. Though Assam is predominantly a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district, under the aegis of the Governor-General and in consultation with the Assam Provincial Government, to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the referendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

VIII. REPRESENTATION IN CONSTITUENT ASSEMBLIES

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to

choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission's Plan of May 16th, 1946. Similar elections will also have to be held for Sylhet in the event of its being decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:-

<u>Province</u>	<u>General</u>	<u>Muslims</u>	<u>Sikhs</u>	<u>Total</u>
Sylhet District	1	2	Nil	3
West Bengal	15	4	Nil	19
East Bengal	12	29	Nil	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

15. According to the mandate given to them by the areas concerned, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

IX. ADMINISTRATIVE MATTERS

16. Negotiations will have to be initiated as soon as possible on administrative consequences of any partition that may have been decided upon:-

- (a) Between the representatives of the prospective successor authorities about all subjects now dealt with by the Central Government, including Defence, Finance and Communications.
- (b) Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.
- (c) In the case of Provinces that may be partitioned as to administration of all provincial subjects such as the division of assets and liabilities, the police and other services, the High Courts, provincial institutions, etc.

X. THE TRIBES OF THE NORTH-WEST FRONTIER

17. Agreements with tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

XI. THE STATES

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States remains unchanged.

XII. NECESSITY FOR SPEED

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan, the existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories: they will of course be free to frame their own rules.

XIII. FURTHER ANNOUNCEMENTS BY GOVERNOR-GENERAL

20. His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

ANNEX II

Certain minor modifications of the draft Announcement contained in Annex I have been agreed by the India and Burma Committee in consultation with the Viceroy. Lord Mountbatten will endeavour to secure the agreement of the Indian leaders to these changes. If, however, they should prefer the original text, the Committee thought that it should be adhered to.

The amendments proposed are as follows:-

Paragraph 7 should be redrafted to read:-

"Before the question as to the partition is decided it is desirable that the representatives of each part should know in advance which constituent assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore if any member of either Legislative Assembly so demands there should be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which constituent assembly the Province as a whole would join if it were decided by the two parts to remain united."

Paragraph 9: The word "final" should be substituted for the word "definitive" in the second sentence.

Paragraph 12: Pandit Nehru and Mr. Jinnah have agreed to a suggestion by the Viceroy that, as a means of ascertaining the wishes of British Baluchistan, a Commission composed of one Congress and one Muslim League representative with a British Chairman should consult each Jirga. A reference to this procedure should be made in an additional sentence in this paragraph.

Paragraph 15 should be redrafted to read:-

"In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly."